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NO. 3811 P. 1



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Examiner T. Patel Group Art Unit 3765 U.S. Patent and Trademark Office	571-272-4993	571-273-8300

From : Michael F. Hay
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Sender's Direct Dial : 858.847.6737
Date : November 17, 2005
Client/Matter No : 023340-0201
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MESSAGE:

U.S. Patent Application No. 10/666,347

Following is:

- 1) Response to Restriction Requirement (2 pages).

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NOV 17 2005

NO. 3811 P. 2

Atty. Dkt. No. 023340-0201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael D. Green
Title: EXERCISE SUIT
Appl. No.: 10/666,347
Filing Date: 9/19/2003
Examiner: Tajash D. Patel
Art Unit: 3765

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to a Restriction Requirement mailed October 18, 2005. The claims have been restricted into 2 groups; Claims 1-18 (Group I), drawn to an exercise garment having an adjustable tension element and Claim 19 (Group II), drawn to an exercise garment having an adjustable tension element with resilient arm members. Applicants provisionally elect Group I with traverse.

Restriction is appropriate if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121); however, even if inventions are determined to be independent or distinct, restriction should not be made if examination can be performed without a "serious burden" on the examiner (MPEP §803). It is respectfully submitted that no savings of PTO resources will be realized by maintaining the restriction requirement as presently asserted. Indeed, the Group I and Group II claims are related as genus and species. Thus, thorough search of the Group II claim would, of necessity, involve a search of the subject matter of the Group I

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DLMR_277652.1

Atty. Dkt. No. 023340-0201

claims. Accordingly, reconsideration and withdrawal of the requirement for restriction are respectfully requested. In the alternative, rejoinder of the non-elected claims, upon final disposition of the elected claims, is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 11/17/2005

By Barry Wilson

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